

IN THE SUPERIOR COURT OF
MARION COUNTY, INDIANA
CIVIL DIVISION NO. 7

Kelli Kennedy,) Cause No. 49D07-1911-PL-047297
)
Plaintiff,)
)
v.)
)
Peoplefirst Homecare & Hospice)
of Indiana, LLC)
)
Defendant.) **NOTICE OF FILING OF
NOTICE OF REMOVAL**

Please take notice that Defendant Peoplefirst Homecare & Hospice of Indiana, LLC has filed, in the United States District Court for the Southern District of Indiana, Indianapolis Division, a Notice of Removal of the above-captioned case from the Superior Court of Marion County to the United States District Court for the Southern District of Indiana, Indianapolis Division.

A true and correct copy of the Notice of Removal filed with the United States District Court for the Southern District of Indiana, Indianapolis Division, is attached to this Notice, and a copy of this Notice is being filed with the Clerk of the Superior Court of Marion County, Indiana, thereby effecting a removal to United States District Court, and the Superior Court of Marion County, Indiana may proceed no further, unless the case is remanded.

Date: December 4, 2019

Respectfully submitted,

/s/ Charles M. Roesch

Charles M. Roesch
DINSMORE & SHOHL LLP
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202
(513) 977-8200
(513) 977-8141 (fax)
chuck.roesch@dinsmore.com

CERTIFICATE OF SERVICE

I certify that on December 4, 2019, a copy of the foregoing document was provided to counsel for Plaintiff via email and U.S. mail, postage prepaid, at the following address:

Christopher K. Starkey
406 South Harrison Street
Shelbyville, Indiana 46176
StarkeyCK@msn.com

/s/ Charles M. Roesch
Charles M. Roesch

15674913.1

KELLI KENNEDY,)
Plaintiff,)
-vs-)
PEOPLEFIRST HOMECARE)
& HOSPICE OF INDIANA, LLC,)
Defendant.)

COMPLAINT FOR DAMAGES & INJUNCTIVE RELIEF
Jury Trial Requested

Plaintiff Kelli Kennedy (“Kennedy”), by counsel, for her causes of action against Defendant Peoplefirst Homecare & Hospice of Indiana, LLC (“Peoplefirst”) alleges the following:

Introduction

1. This action arises under The Civil Rights Act of 1964, 42 U.S.C. §§1981, 2000e-2(a), 3(a). Kennedy claims Peoplefirst discriminated against her because of her race, and then retaliated for seeking redress within the company.

Parties

2. Kennedy is an adult, and African-American.
3. Peoplefirst is a foreign corporation. It is incorporated in Delaware.

Factual Allegations

4. Kennedy started working for Peoplefirst in or about May 2018.
5. Kennedy's initial position was a Patient Care Secretary.
6. Kennedy later became a Lead Hospice Aide.

7. Kennedy was subjected to a serious incident of racial harassment at work on or about 2 July 2019, namely, Executive Director Ms. Carrie Dixon told her, "I own you."
8. Kennedy was offended by this, believing it to be racial.
9. These instances would have made any reasonable African-American feel her work environment was hostile.
10. Kennedy approached Dixon 11 July 2019 and told her how uncomfortable that had made her.
11. Dixon was agitated by this complaint, did not want to acknowledge it, and ultimately appeared angry that Kennedy so complained.
12. Kennedy then reported the incident to Ms. Christina Dickoff, Dixon's direct supervisor, on 11 July 2019.
13. Dickoff told Kennedy she would speak to Dixon about this incident.
14. On 12 July 2019 Dixon texted Kennedy to set up a meeting with them, Dickoff, and Ms. Allison Belcher, Clinical Manager.
15. At this meeting, Dixon complained of Kennedy's job performance, and stated that Kennedy would no longer have a company car.

16. Dixon asked Kennedy during this meeting if she was "angry," "disgruntled," and asked if Kennedy still wanted to work for Peoplefirst.
17. Kennedy perceived Dixon's actions to be retaliation for the complaint of racial discrimination.
18. Kennedy reported the event to the administration 25 July 2019 through a hotline provided by Peoplefirst.
19. Peoplefirst terminated Kennedy's employment on or about 29 July 2019.
20. Peoplefirst stated the reasons for Kennedy's termination to be for patient complaints and not calling in, and being absent from work.
21. These stated reasons were untrue, and pretextual for racial discrimination.
22. Her termination was also retaliatory for complaining about racial discrimination.
23. Kennedy filed a Charge Of Discrimination ("Charge") with the Equal Employment Opportunity Commission ("EEOC") 2 August 2019; she detailed these events in this document.
24. EEOC dismissed the Charge and issued Kennedy a Notice Of Suit Rights dated 14 August 2019.

Causes Of Action

25. Peoplefirst's actions against Kennedy were based upon race and hence impaired her ability to contract for employment with it.
26. Peoplefirst's failure to properly remediate the issues raised by Kennedy constituted racial discrimination, and violated 42 U.S.C. § 2000e-2.
27. Peoplefirst's failure to properly remediate the issues raised by Kennedy entitles her to the remedies of 42 U.S.C. § 1981a and 42 U.S.C. § 2000e-5, being actual and punitive damages, attorney fees, and interest.
28. Peoplefirst's failure to properly remediate the issues raised by Kennedy entitles her to injunctive relief pursuant to 42 U.S.C. § 2000e-5(g).
29. Peoplefirst's retaliation against Kennedy violated 42 U.S.C. § 2000e-3.
30. Peoplefirst's retaliation against Kennedy entitles her to the remedies of 42 U.S.C. § 1981a and 42 U.S.C. § 2000e-5, being actual and punitive damages, attorney fees, and interest.
31. Peoplefirst's retaliation against Kennedy entitles her to injunctive relief pursuant to 42 U.S.C. § 2000e-5(g).

Claims For Relief

Plaintiff by counsel, prays that this Court will:

- A. ENTER judgment in her favor and against Defendant;
- B. AWARD such monetary relief determined to be proper;
- C. ENJOIN Defendant from violating Plaintiff's civil rights and order her rehire;
- D. AWARD attorney's fees and costs pursuant to 42 U.S.C. § 2000e-5(k), and
- E. GRANT all such other relief as may be proper.

Jury Trial Request

Plaintiff requests all legal issues be tried to a jury.

/s/Christopher K. Starkey
Christopher K. Starkey
Attorney for Plaintiff

Christopher K. Starkey, Atty No. 11757-49
406 South Harrison Street
Shelbyville, Indiana 46176
Phone (317) 550-7608
StarkeyCK@msn.com

KELLI KENNEDY,)
Plaintiff,)
-vs-)
PEOPLESFIRST HOMECARE)
& HOSPICE OF INDIANA, LLC,)
Defendant.)

APPEARANCE

1. The undersigned appears for Plaintiff, initiating party.
2. Applicable attorney information for service:

Name: Christopher K. Starkey **Atty Number:** 11757-49
Address: 406 South Harrison St **Phone:** (317) 550-7608
 Shelbyville, IN 46239 **Email:** StarkeyCK@msn.com

3. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8 (b) (3): PL
4. I will NOT accept service by FAX at the above noted number.
5. This case involves support issues: YES NO X .
6. There are related cases: YES NO X .
7. This form has been served per with Trial Rule 5.
8. Additional information required by state or local rule: None

/s/Christopher K. Starkey

Christopher K. Starkey
Attorney for Plaintiff

SUMMONS

Kelli Kennedy,
Plaintiff,

-vs-

Peoplefirst Homecare & Hospice of Indiana, LLC,
Defendant.

TO DEFENDANT: Peoplefirst Homecare & Hospice of Indiana, LLC c/o CT Corp. System
150 West Market St, Suite 800, Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff. This answer or response must be filed with the Marion County Clerk at Room #W-122, 200 East Washington Street, Indianapolis, IN 46204. A copy must also be sent to the Attorney for Plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Dated: 11/12/2019

Myke A. Edwards
(Seal) Clerk, Marion Court

(The following manner of service of summons is hereby designated.)

- Registered or certified mail
- Service at place of employment, to-wit:
- Service on individual -- (Personal or copy) at above address
- Service on agent (Specify) Resident Agent at the above address
- Other service (Specify) Private Process

Christopher K. Starkey, Atty No. 11757-49

Attorney for Plaintiff
406 South Harrison St, Shelbyville, IN 46176

Address

(317) 550-7608

Telephone

StarkcyCK@msn.com



CAUSE NO. 49D07-1911-PL-047297
Marion Superior Court, Civil Division 7

KELLI KENNEDY,)
Plaintiff,)
-vs-)
PEOPLEFIRST HOMECARE)
& HOSPICE OF INDIANA, LLC,)
Defendant.)

CERTIFICATE OF ISSUANCE OF SUMMONS

Plaintiff counsel pursuant to Indiana Rule of Trial Procedure 86(G)(2)(c)
hereby certifies that he mailed the complaint and summons to Defendant by U.S.
Certified Mail, on 12 November 2019.

At: Peoplefirst Homecare & Hospice of Indiana, LLC c/o CT Corp. System
150 West Market St, Suite 800, Indianapolis, IN 46204

Tracking No.: 7017 1450 0001 58549 4813

12 November 2019

/s/Christopher K. Starkey
Christopher K. Starkey

Christopher K. Starkey
Atty No. 11757-49
406 South Harrison Street
Shelbyville, Indiana 46176
(317) 550-7608
StarkeyCK@msn.com

CAUSE NO. 49D07-1911-PL-047297
Marion Superior Court, Civil Division 7

KELLI KENNEDY,)
Plaintiff,)
-vs-)
PEOPLESFIRST HOMECARE)
& HOSPICE OF INDIANA, LLC,)
Defendant.)

CERTIFICATE OF RETURN OF SERVICE OF SUMMONS

Plaintiff counsel pursuant to Indiana Rule of Trial Procedure 4.15(A)(1) hereby certifies that according to the United States Postal Service website, the complaint and summons were delivered to Defendant's Resident Agent by U.S. Certified Mail, on 15 November 2019 at 10:14 a.m.

At: Peoplefirst Homecare & Hospice of Indiana, LLC c/o CT Corp. System
150 West Market St, Suite 800, Indianapolis, IN 46204

Tracking No.: 7017 1450 0001 8549 4813

18 November 2019

/s/Christopher K. Starkey
Christopher K. Starkey

Christopher K. Starkey
Atty No. 11757-49
406 South Harrison Street
Shelbyville, Indiana 46176
(317) 550-7608
StarkeyCK@msn.com



**Service of Process
Transmittal**

11/15/2019

CT Log Number 536639555

TO: SCOTT WANDSTRAT
KINDRED AT HOME
3350 RIVERWOOD PKWY SE STE 1400
ATLANTA, GA 30339-3314

RE: **Process Served in Indiana**

FOR: Peoplefirst HomeCare & Hospice of Indiana, L.L.C. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: KELLI KENNEDY, PLTF. vs. PEOPLEFIRST HOMECARE & HOSPICE OF INDIANA, LLC, DFTS.

DOCUMENT(S) SERVED: Summons, Complaint, Attachments

COURT/AGENCY: Marion County Superior Court, IN
Case # 49D071911PL047297

NATURE OF ACTION: Employee Litigation - Discrimination

ON WHOM PROCESS WAS SERVED: C T Corporation System, Indianapolis, IN

DATE AND HOUR OF SERVICE: By Certified Mail on 11/15/2019 postmarked on 11/12/2019

JURISDICTION SERVED : Indiana

APPEARANCE OR ANSWER DUE: within 20 days commencing the day after you receive this Summons (Document(s) may contain additional answer dates)

ATTORNEY(S) / SENDER(S): Christopher K. Starkey
406 South Harrison Street
Shelbyville,, IN 46176
317-550-7608

ACTION ITEMS: CT has retained the current log, Retain Date: 11/15/2019, Expected Purge Date: 11/20/2019
Image SOP
Email Notification, SCOTT WANDSTRAT scott.wandstrat@gentiva.com
Email Notification, TERRA KOVACS terra.kovacs@kindred.com
Email Notification, RONALD LAZAS ronald.lazas@kindred.com

SIGNED: C T Corporation System
ADDRESS: 208 S La Salle St Ste 814
Chicago, IL 60604-1101

For Questions: 866-331-2303
CentralTeam1@wolterskluwer.com

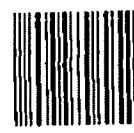
Page 1 of 1 / CJ

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

CK Starkey
406 S Harrison St
Shelbyville, IN 46176



1000



46204

U.S. POSTAGE PAID
FCM LETTER
SHELBYVILLE, IN
46176
NOV 12, 19
AMOUNT

\$4.05

R2304M114723-30

7017 1450 0001 8549 4813

PeopleFirst Homecare & Hospice of Indiana, LLC
c/o CT Corp. System
Suite 800
150 West Market St
Indianapolis, IN 46204

46204-280699



This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Kelli Kennedy v. Peoplefirst Homecare & Hospice of Indiana, LLC

Case Number 49D07-1911-PL-047297
Court Marion Superior Court, Civil Division 7
Type PL - Civil Plenary
Filed 11/11/2019
Status 11/11/2019, Pending (active)

Parties to the Case

Defendant Peoplefirst Homecare & Hospice of Indiana, LLC

Plaintiff Kennedy, Kelli

Attorney Christopher Kenneth Starkey
#1175749, Retained

Attorney at Law
406 South Harrison Street
Shelbyville, IN 46239
317-550-7608(W)

Chronological Case Summary

11/11/2019 Case Opened as a New Filing

11/12/2019 Complaint/Equivalent Pleading Filed

Complaint for Damages & Injunctive Relief - jury trial requested

Filed By: Kennedy, Kelli
File Stamp: 11/11/2019

11/12/2019 Appearance Filed

Appearance of Christopher K. Starkey
For Party: Kennedy, Kelli
File Stamp: 11/11/2019

11/12/2019 Subpoena/Summons Filed

Summons
Filed By: Kennedy, Kelli
File Stamp: 11/11/2019

11/13/2019 Certificate of Issuance of Summons

Certificate of Issuance of Summons
Filed By: Kennedy, Kelli
File Stamp: 11/12/2019

11/19/2019 Service Returned Served (E-Filing)

Return of Service
Filed By: Kennedy, Kelli
File Stamp: 11/18/2019

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Kennedy, Kelli

Plaintiff

Balance Due (as of 12/05/2019)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
11/12/2019	Transaction Assessment	157.00
11/12/2019	Electronic Payment	(157.00)

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